

Chapter ~~7~~ 13  
Case No.: 09-31087-lbr

DATE OF SERVICE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

NEWARK & NEWARK LAW FIRM  
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E-Filed on September 17, 2010

**UNITED STATES BANKRUPTCY COURT**

**DISTRICT OF NEVADA**

In re:	)	Chapter 13
	)	Case No. 09-31087-lbr
<b>SHARON TINKER</b>	)	
	)	
	)	
Debtor(s).	)	DATE: 10/12/2010
	)	TIME: 1:30 p.m.

**OPPOSITION TO MOTION FOR RELIEF FROM AUTOMATIC STAY**

COMES NOW, the Debtor, SHARON TINKER, by and through her attorneys, NARRAH F. NEWARK of NEWARK & NEWARK LAW FIRM, and respectfully request this Court to deny the MOTION FOR RELIEF FROM THE AUTOMATIC STAY filed by US BANK, N.A., by and through its attorneys, GREGORY L. WILDE of WILDE & ASSOCIATES and TIFFANY & BOSCO.

**POINTS AND AUTHORITIES**

11 USC Section 362 (d) (1) states that the Court may terminate, modify or condition stay

"for cause, including the lack of adequate protection of an interest in property of such party in interest;---

11 USC Section 362 (d) (2) the Court may terminate, modify or condition a stay

"with respect to a stay of an act against property under subsection (a) of this section, if-

(A) the debtor does not have an equity in such property AND

(B) such property is not necessary to an effective reorganization

**STATEMENT OF FACTS**

Debtor's property has liens of approximately \$174,553.06 for the property located at 525 Watkins Dr., Las Vegas, NV 89107, and the home is necessary for an effective reorganization. Debtor believes that she may have minimal equity in the property.

11 USC Section 362 (d) (1) may apply as:

1. Debtor acknowledges that if she is late on the post petition mortgage payments, she will need some time to acquire the necessary funds to cure all post-petition arrearages.

2. Debtor wishes to cure the arrearages through an Adequate Protection Order.

3. Debtor may have made recent payments and requests an accounting of her post-petition payments through September, 2010.

4. Debtor's intention is to stay current on future post-petition mortgage payments.

THEREFORE, Debtor requests that the motion filed be denied under 11 USC Section (d) (1) or (2), and that any action on creditor's behalf be stayed for an adequate amount of time to allow Debtor to become current on the post petition mortgage arrearages, if necessary, and/or to Stipulate to an Order Re Adequate Protection.

Respectfully submitted:

NEWARK & NEWARK

By: /s/ NARRAH F. NEWARK  
NARRAH F. NEWARK, ESQ.  
NB#008201  
Attorney for Debtor(s)

**CERTIFICATE OF MAILING OF OPPOSITION TO MOTION  
FOR RELIEF FROM AUTOMATIC STAY**

I hereby certify that on September 17, 2010, I faxed and mailed a true and correct copy by facsimile and by first class mail, postage prepaid, to the below named the  
OPPOSITION TO MOTION FOR RELIEF FROM AUTOMATIC STAY:

US Bank  
c/o Greg Wilde, Esq.  
Wilde & Associates  
208 S. Jones  
Las Vegas, NV 89107  
**VIA ECF**

Kathleen Leavitt, Trustee  
201 Las Vegas Blvd., S., #200  
Las Vegas, NV 89101  
**VIA ECF**

Sharon Tinker  
525 Watkins Dr.  
Las Vegas, NV 89107

/s/ Betsy L. Smith  
An employee of NEWARK & NEWARK LAW FIRM